

Remarks:

In the Office Action, claims 1-4, 6-11, and 19-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Rappaport (U.S. Pat. Pub. No. 2002/0007285). Specifically, the Office Action states that the Rappaport published application discloses each of the limitations of the claims. Additionally, claims 5 and 12-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rappaport in view of Tallman (U.S. Pat. No. 5,964,700). Reconsideration of the rejections is respectfully requested.

The Rappaport application was filed January 3, 2001. The priority date of the present application is September 6, 2000, i.e., before the filing date of the Rappaport application. The Rappaport application is not entitled to the filing date of the provisional application unless the provisional application “properly supports the subject matter used to make the rejection in compliance with 35 U.S.C. §112, first paragraph.” MPEP 706.02(f)(1). The Examiner has not shown that the provisional application claimed by Rappaport properly supports the subject matter used to make the rejection. For this reason, the Examiner should withdraw the rejections.

Moreover, the evidence of record establishes that Applicant’s date of invention precedes the June 18, 1999 filing date of the provisional application claimed by Rappaport. The applicant of the present invention conceived of the present invention before June 18, 1999 and worked with continuous diligence toward an actual reduction practice at least until the priority date of the present application (i.e., September 6, 2000). As evidenced by the Declaration, Pursuant to 37 C.F.R. § 1.131, of James G. Norman, Jr., M.D. (attached to Applicant’s Preliminary Response Filed With A Request For Continued Examination filed on December 14, 2007), applicant conceived of the

invention, in this country before June 18, 1999. Applicant also exercised continued diligence in this country at least from a time prior to June 18, 1999 to the date of priority for the present application (i.e., September 6, 2000).

The Office Action states that "evidence presented in the affidavits and declarations does not establish nexus between the claimed invention." Further, the Office Action points to specific claim language and states that it was not described by the submitted exhibits. Such claim language includes: "host computer system," "sending the descriptive information," "client computer system via the Internet," "sending to the client computer system via the Internet." Contrary to the assertions of the Office Action, the claims are fully supported by the exhibits attached to the Declaration.

Exhibit 2 to the Declaration is a flowchart entitled "Four Ways for a User to Find Correct Healthcare Information Over the Internet." This flowchart, as indicated by its title, concerns obtaining the type of information described in the claims "via the Internet." The flowchart also indicates that a "code is typed into a 'search' box." That instruction indicates that the user will be using a computer keyboard to enter a healthcare related term. The description at the bottom of the Exhibit indicates that the user is accessing a website on the Internet to obtain information. For a user to access the Internet, the user must have a computer, i.e., a client computer system that is used to access information via the Internet.

Another description on the flowchart indicates that the "engine" will allow anybody to find the right information." In this context, the term "engine" necessitates a host computer system that sends the descriptive information to the client computer system via the Internet. Finally, the output of the flowchart shows that the "User gets

Web page that links to exact information” corresponding to the initial user input. This result supports the claim language of “sending the descriptive information” from the “host computer system” to the “client computer system via the Internet” and therefore, this Exhibit supports the recited claim language.

Exhibit 4 to the Declaration also supports the claim language. This Exhibit discusses the development of a physician page on the YourDoctor.com website and that patients will be directed to access the webpage. In order to access this information as described in this Exhibit, a patient must have a client computer with Internet access. A host computer system must send a webpage in order for the patient to access the webpage via the Internet. Therefore, this Exhibit supports the claim language.

Exhibit 1 to the Declaration also supports the claim language. This exhibit describes the YourDoctor.com website and its beneficial features. These features include “streamline[ing] the entire healthcare information delivery process” and “rearrang[ing] . . . the flow of information.” This website is dedicated to supplying a client computer with descriptive information sent via the Internet from a host computer system. This Exhibit further specifies that “the website provides a data repository, it also provides an access channel to information flow.”

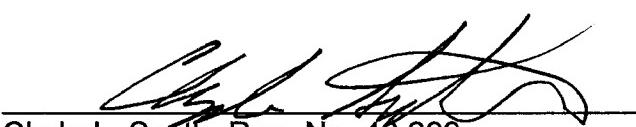
All three of these cited exhibits show support for the claim language. While the exhibits do not recite every term used in the claims, such is not required for these exhibits to evidence that Applicant conceived of the claimed invention. The previously submitted Declaration and exhibits establish conception of the invention in this country prior to June 18, 1999 coupled with due diligence in this country from prior to said date to a constructive reduction to practice, as required under 37 CFR § 1.131(b). This

showing is therefore sufficient to overcome the Rappaport application as 102(e) prior art. Thus, the rejection of claims 1-20 based upon Rappaport alone or in combination with Tallman should be withdrawn.

In view of the foregoing, applicant submits that the present application is in condition for allowance and notification to that effect is earnestly solicited at the Examiner's earliest convenience. The Examiner is invited to contact the undersigned by telephone if any other matters require resolution prior to notification of allowance.

Respectfully submitted,
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